

APPEAL, TERMED

**U.S. District Court**  
**District of Hawaii - CM/ECF V2.5 (11/05) (Hawaii)**  
**CIVIL DOCKET FOR CASE #: 1:04-cv-00281-JMS-LEK**  
**Internal Use Only**

Takeda v. Luna, et al  
Assigned to: JUDGE J. MICHAEL SEABRIGHT  
Referred to: Mag Judge Leslie E Kobayashi  
Demand: \$0  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 04/30/2004  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Petitioner****Peter H. Takeda**

represented by **Peter H. Takeda**  
A0134031  
TALLAHATCHIE COUNTY  
CORRECTIONAL FACILITY  
295 US Highway 49 South  
Tutwiler, MS 38963-6900  
662 345-6567  
PRO SE

V.

**Defendant****Frank Luna***Warden, Florence Correctional Facility*

represented by **Daniel H. Shimizu**  
Office of the Prosecuting Attorney  
C & C of Honolulu  
1060 Richards St 9th flr  
Honolulu, HI 96813-2920  
523-4158 (main)  
Email: dshimizu@honolulu.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Florence Correctional Facility**





represented by **Daniel H. Shimizu**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Mark J. Bennett***Attorney General for the State of Hawaii*

represented by **Daniel H. Shimizu**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/30/2004	1	PETITION UNDER 28 USC 2254 FOR WRIT OF HABEAS CORPUS by a person in State Custody (afc) (Entered: 04/30/2004)
04/30/2004	2	ORDER by Judge David A. Ezra rule 16 conference set for 9:00 10/25/04 before Mag Judge Leslie E. Kobayashi (afc) (Entered: 04/30/2004)
04/30/2004		FILING FEE PAID in the amount of \$5.00, receipt # 222629 (afc) (Entered: 04/30/2004)
05/24/2004	3	ORDER TO SHOW CAUSE: by Mag Judge Leslie E. Kobayashi - ordered that respondents Frank Luna and Mark Bennett file an answer to the petition on or before August 23, 2004; respondents to attach all relevant transcript portions to the answer (cc w/petition to: petitioner; Warden Frank Luna; Mark J. Bennett, Esq., Attorney General State of Hawaii; & Peter B. Carlisle, Esq., Prosecuting Attorney - C&C of Honolulu) (afc) (Entered: 05/25/2004)
06/10/2004	4	NOTICE by petitioner Peter H. Takeda of change of address [transferred to the Tallahatchie Co. Correctional Facility, Tutwiler, MS] (afc) Modified on 06/14/2004 (Entered: 06/14/2004)
08/02/2004	5	EX PARTE MOTION by State of Hawaii for extension of time to file answer to petition for writ of habeas corpus ; declaration of Daniel H. Shimizu; ORDER by Mag Judge Leslie E. Kobayashi granting ex parte motion; certificate of service [time ext up to and including 09/06/04] (afc) (Entered: 08/02/2004)
08/27/2004	6	ANSWER by defendant Frank Luna, defendant Mark J. Bennett to Petition for Writ of Habeas Corpus; memorandum of law in opposition to petition; exhibits AA through BB; certificate of service (afc) (Entered: 08/27/2004)
08/27/2004	7	EXHIBITS A through I - Volume I of V - on behalf of defendant Frank Luna, defendant Mark J. Bennett [6-1: Answer to Petition] (afc) (Entered: 08/27/2004)
08/27/2004	8	EXHIBITS J through K - Volume II of V - on behalf of defendant Frank Luna, defendant Mark J. Bennett [6-1: Answer to Petition] (afc) (Entered: 08/27/2004)
08/27/2004	9	EXHIBITS L through N - Volume III of V - on behalf of defendant Frank Luna, defendant Mark J. Bennett [6-1: Answer to Petition] (afc) (Entered: 08/27/2004)
08/27/2004	10	EXHIBITS O through S - Volume IV of V - on behalf of defendant Frank Luna, defendant Mark J. Bennett [6-1: Answer to Petition] (afc) (Entered: 08/27/2004)
08/27/2004	11	EXHIBITS T through BB - Volume V of V - on behalf of defendant Frank Luna, defendant Mark J. Bennett [6-1: Answer to Petition] (afc) (Entered: 08/27/2004)
09/27/2004	12	RESPONSE by petitioner Peter H. Takeda to State's memorandum of law in opposition to petition for writ of habeas corpus; certificate of service (afc) (Entered: 09/28/2004)
10/18/2004	13	EO: Continued : [Rule 16 Scheduling Conference] from 10/25/2004 09:00:00 AM to 02/07/2005 09:00:00 AM before LEK. cc: all counsel and parties () JUDGE Mag Judge Leslie E. Kobayashi (afc) (Entered: 10/19/2004)

01/20/2005	14	EO: Continued : [Rule 16 Scheduling Conference [28 U.S.C. SS 2254]] from 02/07/2005 09:00:00 AM to 04/11/2005 09:00:00 AM before LEK. cc: all parties and counsel () JUDGE Mag Judge Leslie E. Kobayashi (afc) (Entered: 01/20/2005)
03/29/2005	15	EO: Continued : [Rule 16 Scheduling Conference] from 04/11/2005 09:00:00 AM to 07/11/2005 09:00:00 AM before LEK. cc: all parties and counsel () JUDGE Mag Judge Leslie E. Kobayashi (afc) (Entered: 03/31/2005)
04/04/2005	16	FINDINGS AND RECOMMENDATION to deny petition for writ of habeas corpus [1-1] by Mag Judge Leslie E. Kobayashi (cc: all counsel and/or parties of record) (afc) (Entered: 04/05/2005)
04/25/2005	17	OBJECTIONS by petitioner to Magistrate's Findings and Recommendations to deny petition for writ of habeas corpus; certificate of service [16-1] - referred to Judge Helen Gillmor (cc: LEK, PSA) (afc) (Entered: 04/25/2005)
06/27/2005	18	EP: Continued : [Rule 16 Scheduling Conference [28 U.S.C. SS 2254]] from 07/11/2005 09:00:00 AM to 10/17/2005 09:00:00 AM before LEK. cc: all parties and counsel () JUDGE Mag Judge Leslie E. Kobayashi (afc) (Entered: 06/28/2005)
07/25/2005	19	ORDER re-assigning cases by Judge David A. Ezra Case reassigned from Judge Helen Gillmor to Judge J. M. Seabright (cc: all counsel, CRM to JMS, USMJ's, CRMs to USMJ's) (eps) (Entered: 07/28/2005)
09/08/2005	20	ORDER adopting the Findings and Recommendations of the Magistrate Judge [16-1] by Judge J. Michael Seabright (cc: all counsel and/or parties of record) (afc) (Entered: 09/08/2005)
09/12/2005	21	JUDGMENT IN A CIVIL CASE - IT IS ORDERED AND ADJUDGED that the Petition for Writ of Habeas corpus pursuant to 28 U.S.C. 2254 is DENIED in its entirety, as pursuant to the "Findings and Recommendation to Deny Petition for Writ of Habeas Corpus" filed on April 4, 2005 and pursuant to the "Order Adopting the Findings and Recommendations of the Magistrate Judge" filed on September 8, 2005. terminating case (cc: all counsel and/or parties of record) (afc) (Entered: 09/12/2005)
10/04/2005	22	Ex Parte letter by petitioner Peter H. Takeda requesting enlargement of time in order to seek a Certificate of Appealability from the District Judge - referred to Judge J. M. Seabright/PSA (afc) (Entered: 10/04/2005)
10/06/2005	<a href="#">23</a>	ORDER construing filing as a Notice of Appeal; and GRANTING extension of time to file request for certificate of appealability and brief in support by Judge J. M. Seabright [22-1], [20-1] (cc: all counsel and/or parties of record) (ecs) Additional attachment added on 2/21/2006: Order Construing Filing as a Notice of Appeal (afc) (Entered: 10/07/2005)
10/06/2005	<a href="#">24</a>	NOTICE OF APPEAL by petitioner Peter H. Takeda from Dist. Court decision [21-2] (pursuant to Judge J. Michael Seabright's Order, filed on October 6, 2005, petitioner's filing is construed as a notice of appeal) (cc: all counsel and/or parties of record) (afc) Additional attachments added on 2/21/2006: Notice of Appeal & Mailing envelope (afc) (Entered: 11/15/2005)

11/09/2005	25	INFORMAL BRIEF by appellant/petitioner Peter H. Takeda regarding [24-1] (afc) (Entered: 11/16/2005)
11/09/2005	26	APPLICATION by petitioner Peter H. Takeda for certificate of appealability from the District Court and intent to Appeal to 9th Circuit - referred to Judge J. M. Seabright (afc) (Entered: 11/16/2005)
11/09/2005	27	APPLICATION by petitioner Peter H. Takeda to appeal in forma pauperis - referred to Judge J. M. Seabright (afc) (Entered: 11/16/2005)
11/18/2005	28	State of Hawaii's MEMORANDUM IN OPPOSITION to petitioner's request for certificate of appealability; exhibits A and B; certificate of service [26-1] (afc) (Entered: 11/18/2005)
12/20/2005	 <a href="#">29</a>	ANSWER to State's: [28] Memorandum in Opposition to Motion to: [26] petitioner's request for COA; certificate of service - filed by Peter H. Takeda. (afc, ) (Entered: 12/22/2005)
02/14/2006	 <a href="#">30</a>	ORDER DENYING CERTIFICATE OF APPEALABILITY re [26] - Signed by Judge J. MICHAEL SEABRIGHT on 02/14/06. (afc) (Entered: 02/14/2006)
02/14/2006		COURT'S CERTIFICATE of Service - a copy of <a href="#">30</a> ORDER DENYING CERTIFICATE OF APPEALABILITY, filed on February 15, 2006, will be served on February 15, 2006 by First Class Mail to the address of record for Peter H. Takeda. Daniel H. Shimuzu, Esq., as a Registered Participant of CM/ECF, received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (afc) (Entered: 02/14/2006)
02/21/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals (afc) (Entered: 02/21/2006)